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DISTRICT OF WYOMING
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STEPHAN HARRIS, CLERK
CHEYENNE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

ROBERT L. BLEVINS)

Plaintiff,)

vs.)

DRG TRANSPORT, LLC)
a California limited liability)
company,)

Defendant.)

Civil No. 17-CV-8-MLC

COMPLAINT & JURY DEMAND

COMES NOW Plaintiff, Robert L. Blevins, by and through counsel, Jessica Rutzick, and for his complaint against the Defendant DRG Transport, LLC, states and alleges as follows:

JURISDICTION

1. Plaintiff Robert Blevins is a citizen of the State of Connecticut at all such times material to this Complaint.

2. Defendant, DRG Transport, LLC is a California limited liability company with its principal place of business in Quartzsite, Arizona and at all such times material to this Complaint, doing business in Wyoming.

3. The acts and omissions giving rise to this suit occurred in Carbon County, Wyoming on Highway Interstate 80 near milepost 238.

4. This Court has jurisdiction over this action due to the diversity of citizenship of the parties hereto, and by virtue of the fact that the amount in controversy exclusive of interest and costs exceeds the sum of seventy-five thousand dollars (\$75,000).

FACTS COMMON TO ALL CLAIMS

5. All prior allegations are incorporated herein by this reference.

6. On December 26, 2016 at approximately 6:14 p.m. Plaintiff Robert Blevins was driving westbound on Highway Interstate 80. Plaintiff was proceeding west in the left-hand lane.

7. At all times relevant hereto, the road conditions were marginal with ice, snow and blowing snow. The traffic was moving along Interstate 80 at a rate of approximately 35 miles per hour.

8. Plaintiff is informed and believes, and based upon that information and belief alleges, that at all times relevant hereto, Defendant DRG Transport, LLC employed a truck driver named Zeth Wolfe (hereinafter "Wolfe") and Wolfe was the agent and employee of Defendant DRG Transport, LLC and that in doing the things alleged in this Complaint, Wolfe was acting within the course and scope of that agency and employment.

9. At or around 6:14 p.m. on December 26, 2016, Wolfe was driving westbound on Interstate 80 near milepost 238. Despite the poor road and weather conditions, Wolfe was traveling at approximately 45 miles per hour.

10. Wolfe was driving an eighteen-wheel tractor trailer truck behind Plaintiff at or around milepost 238 and as a result of Wolfe's negligent operation of said tractor trailer, collided violently with the rear of the Plaintiff's vehicle. Plaintiff's vehicle spun eight times on the ice and snow, coming to rest in the center of the median.

11. As a direct and proximate result of the collision and the negligence of Defendant and Wolfe, Plaintiff suffered bodily injuries and damages in an amount to be proved at trial.

12. Defendant DRG, LLC was negligent, willful, wanton and reckless as follows:

- a. The negligent and/or reckless hiring and training of Wolfe;
- b. The requirement that Wolfe perform his duties in dangerous conditions and in a dangerous manner;
- c. The failure to follow reasonable and acceptable safety practices and regulations;
- d. The improper supervision and training of Wolfe;
- e. The failure to discover and timely remedy safety hazards and conditions associated with Wolfe's vehicle and/or Wolfe's driving history;
- f. The failure to employ competent safety personnel and other employees with which to provide reasonably prudent and proper practices for the operation, repair and maintenance of its delivery vehicles and tractor trailer trucks;

g. The failure to establish, enforce or reasonably comply with federal, state, industry and professional standards, procedures, rules and regulations, designed for the protection and safety of employees and the public;

h. The assignment of work duties to personnel who were not adequately trained and/or able to perform such duties and/or the failure to carry forth said duties with the knowledge of what was required of them, such that the safety of Defendant's employees and the public was ensured.

i. The failure to adopt reasonable and appropriate supervision policies over Defendant's employees.

**FIRST CAUSE OF ACTION
NEGLIGENCE**

13. All prior allegations are incorporated herein by this reference.

14. As a direct and proximate result of the Defendant's negligence, Plaintiff was seriously injured and has suffered damages which are above the jurisdictional minimum of this Court and which include:

- a. Pain and suffering in the past and in the future;
- b. Loss of enjoyment of life in the past and in the future;
- c. Medical expenses in the past and in the future;
- d. Disability and impairment in the past and in the future;
- e. Past and future economic losses.

**SECOND CAUSE OF ACTION
PUNITIVE DAMAGES**

15. All prior allegations are incorporated herein by this reference.

16. Defendant's acts and omissions were willful and wanton and exhibit a reckless disregard for the consequences of said acts and omissions.

17. A reasonable person would know, or have reason to know, that such conduct would result in harm to another, including the Plaintiff in this action.

18. Plaintiff seeks punitive and exemplary damages against Defendant in the sum as will deter Defendant and others similarly situated from similar misconduct in the future.

WHEREFORE, Plaintiff Robert L. Blevins prays for judgment against the Defendant in an amount to be proven at trial.

DATED this 5th day of January, 2017.



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